

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ELECTRIC MIRROR, LLC, AND  
9 KELVIN 42 LLC,

10 Plaintiffs,

11 v.

12 MAJESTIC MIRROR & FRAME, LLC,

Defendant.

C17-352 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) On May 1, 2017, the United States International Trade Commission  
16 initiated an investigation of several respondents, including defendant Majestic Mirrors &  
17 Frame, LLC, under Section 337 of the Tariff Act of 1930, as amended, at plaintiffs’  
18 request. *See* Defendant’s Consented Motion, Ex. 1, docket no. 17-2 at 3. Pursuant to 28  
19 U.S.C. § 1659, a district court presiding over a civil action involving parties also involved  
20 in a proceeding before the United States International Trade Commission (the  
21 “Commission”) under section 337 of the Tariff Act of 1930, upon the timely request of a  
22 party who is also a respondent in the proceeding before the Commission, shall stay the  
23 action with respect to any claim that involves the same issues as the proceeding before  
the Commission, until the determination of the Commission becomes final. *See* 28  
U.S.C. § 1659(a). A stay under § 1659 “requires that the stay of district court  
proceedings continue until the Commission proceedings are no longer subject to judicial  
review.” *In re Princo Corp.*, 478 F.3d 1345, 1355 (Fed. Cir. 2007). The infringement  
claims at issue in this action involve the same patents—U.S. Patent Nos. 7,853,414 and  
7,559,668, *see* Proposed Amended Complaint, docket no. 15—and appear to involve the  
same issues that are now before the Commission. Defendant, who is a respondent in the

1 proceedings before the Commission, has timely filed a request for stay. *See* 28 U.S.C.  
2 § 1659(a). Accordingly, and in light of plaintiff's consent, defendant's consented motion  
3 for mandatory stay pursuant to 28 U.S.C. § 1659, docket no. 17, is GRANTED, and this  
4 matter is hereby STAYED until the determination of the Commission becomes final. The  
5 parties are DIRECTED to file a Joint Status Report within twenty-one (21) days after the  
6 determination of the Commission becomes final or by January 24, 2018, whichever  
7 occurs earlier.

8 (2) In light the Court's stay of this matter, plaintiffs' unopposed motion to  
9 amend the complaint, docket no. 15, is STRICKEN without prejudice. If necessary,  
10 plaintiffs may re-file their motion to amend the complaint after the stay in this case is  
11 lifted.

12 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of  
13 record.

14 Dated this 25th day of May, 2017.

15 William M. McCool  
16 Clerk

17 s/Karen Dews  
18 Deputy Clerk